

KERN COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 201.1 - PERMITS TO OPERATE FOR SOURCES SUBJECT TO TITLE V OF THE FEDERAL CLEAN AIR ACT AMENDMENTS OF 1990

(Adopted 11/01/93, Amended 1/9/97, 5/3/01, 3/11/04)

I. Purpose and General Requirements of Rule

Rule 201.1 is intended to implement requirements of Title V of the Federal Clean Air Act amendments of 1990 (CAA) for permits to operate. Title V requires operating permits for certain sources emitting regulated air pollutants, including attainment and non-attainment pollutants.

By the effective date of Rule 201.1, the Kern County Air Pollution Control District shall implement an operating permits program pursuant to the requirements of this Rule. Requirements of this Rule shall augment and take precedence over any conflicting administrative requirements of any other provisions of Kern County APCD's Rules and Regulations. The District shall also continue to implement its existing Rule 201 Permits program, including Authorities to Construct, Rule 210.1 (New Source Review), etc. Nothing in Rule 201.1 limits the authority of the Air Pollution Control Officer (APCO) of the District to revoke or terminate a Rule 201 permit pursuant to Sections 40808 and 42307-42309 of the California Health and Safety Code (H&SC).

Sources subject to Rule 201.1 include major sources, acid rain units subject to Title IV of the CAA, solid waste incinerators subject to Section 111 or 129 of the CAA, and any other sources specifically designated by Rule of the U.S. EPA. Sources subject to this Rule shall obtain permits to operate issued pursuant to this Rule, and, each such permit to operate issued shall contain conditions and requirements adequate to ensure compliance with:

- A. All applicable provisions of Division 26 of the H&SC, commencing with Section 39000;
- B. All applicable orders, rules, and regulations of the District and the California Air Resources Board (CARB);
- C. All applicable provisions of the implementation plan required by the CAA. In satisfaction of this requirement, a source may ensure compliance with a corresponding District-only rule in accordance with the procedure specified in Subsection V.K., Page 201.1-28;
- D. Each applicable emission standard or limitation, rule, regulation, or requirement adopted or promulgated to implement the CAA. In satisfaction of this requirement, a source may propose compliance with a requirement of permit streamlining in accordance with procedures specified in Subsection V.J., Page 201.1-27; and
- E. All requirements of all preconstruction permits issued pursuant to Parts C and D of the CAA (PSD and NSR).

Operation of an emissions unit in violation of any applicable permit condition or requirement shall constitute a violation of this Rule.

II. Definitions

Definitions in this section apply throughout this Rule and are derived from related provisions of U.S. EPA's Title V regulations in Part 70 Code of Federal Regulations (CFR), "State Operating Permit Programs."

- A. **Acid Rain Unit** - any fossil fuel-fired combustion device constituting an affected unit under 40 CFR Part 72.6 and therefore subject to requirements of Title IV (Acid Deposition Control) of the CAA.
- B. **Administrative Permit Amendment** - amendment to a permit to operate, which:
 - 1. Corrects a typographical error;
 - 2. Identifies a minor administrative change at the stationary source; for example, a change in name, address, or phone number of any person identified in the permit;
 - 3. Requires more frequent monitoring or reporting by an owner or operator of the stationary source; or
 - 4. Transfers ownership or operational control of a stationary source, provided, prior to transfer, the APCO receives a written agreement specifying a date for transfer of permit responsibility, coverage, and liability from current to prospective permittee.
- C. **Affected State** - any state: 1) contiguous with California and whose air quality may be affected by a permit action, or 2) within 50 miles of the source proposing a permit action.
- D. **Air Pollution Control Officer (APCO)** - Kern County Air Pollution Control District Air Pollution Control Officer, or his designee.
- E. **Applicable Federal Requirement** - any requirement enforceable by the U.S. EPA and citizens pursuant to Section 304 of the CAA and set forth in, or authorized by, the CAA or a U.S. EPA regulation, including any requirement of a regulation in effect at permit issuance and any requirement of a regulation becoming effective during the term of the permit. Applicable federal requirements include:
 - 1. Title I requirements of the CAA, including:
 - a. New Source Review requirements in the State Implementation Plan approved by the U.S. EPA and terms and conditions of a preconstruction permit issued pursuant to an approved New Source Review rule;
 - b. Prevention of Significant Deterioration (PSD) requirements and terms and conditions of a PSD permit (40 CFR Part 52);
 - c. New Source Performance Standards (40 CFR Part 60);
 - d. National Ambient Air Quality Standards, increments, and visibility requirements as they apply to portable sources required to obtain a permit pursuant to Section 504(e) of the CAA;
 - e. National Emissions Standards for Hazardous Air Pollutants (40 CFR Part 61);
 - f. Maximum Achievable Control Technology (MACT) or Generally Available Control Technology Standards (GACT) (40 CFR Part 63);
 - g. Risk Management Plan Preparation and Registration Requirements (Section 112(r) of the CAA);
 - h. Solid Waste Incineration requirements (Sections 111 or 129 of the CAA);
 - i. Consumer and Commercial Product requirements (Section 183 of the CAA);
 - j. Tank Vessel requirements (Section 183 of the CAA);
 - k. District prohibitory rules approved into the State Implementation Plan;
 - l. Standards or regulations promulgated pursuant to a Federal Implementation Plan; and

- m. Enhanced Monitoring and Compliance Certification requirements (Section 114(a)(3) of the CAA).
 - 2. Title IV (Acid Deposition Control) requirements of the CAA (40 CFR Parts 72, 73, 75, 76, 77, 78 and regulations implementing Sections 407 and 410 of the CAA);
 - 3. Title VI (Stratospheric Ozone Protection) requirements of the CAA (40 CFR Part 82); and
 - 4. Monitoring and Analysis requirements (Section 504(b) of the CAA).
- F. **California Air Resources Board (CARB)** - Air Resources Board of the California Environmental Protection Agency.
 - G. **Clean Air Act (CAA)** - Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.).
 - H. **Code of Federal Regulations (CFR)** - United States Code of Federal Regulations.
 - I. **Commence Operation** - date of initial operation of an emissions unit, including any start-up period authorized by a temporary permit to operate issued pursuant to Section 42301.1 of the H&SC.
 - J. **Direct Emissions** - emissions that may reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.
 - K. **District** - Kern County Air Pollution Control District.
 - L. **District-only** - a District rule, permit term, condition, or other requirement identified in accordance with H&SC Section 42301.12(a)(3) that is not an applicable federal requirement. If a "District-only" requirement becomes a federally-enforceable condition upon issuance of the initial permit or permit modification in accordance with requirements of Rule 201.1 and H&SC Section 42301.12(a)(3), such requirement shall no longer be a "District-only" requirement.
 - M. **Effective Date of Rule 201.1** - The effective date of Rule 201.1 is May 3, 2001.
 - N. **Emergency** - any situation arising from a sudden and reasonably unforeseeable event beyond control of a permittee causing exceedance of a technology-based emission limitation under a permit and requiring immediate corrective action to restore compliance. An emergency shall not include non-compliance resulting from improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.
 - O. **Emissions Unit** - any identifiable article, machine, contrivance, or operation which emits, may emit, or results in emissions of, any regulated air pollutant or hazardous air pollutant.
 - P. **Federally-enforceable Condition** - any term, condition, or requirement set forth in the Permit to Operate addressing an applicable federal requirement or voluntary emissions cap, a District-only requirement of permit streamlining imposed in accordance with Subsection V.J., Page 201.1-27, and H&SC Section 42301.12(a)(3), or a District-only requirement which applies in accordance with Subsection V.K.1., Page 201.1-28, and H&SC Section 42301.12(a)(3) for satisfaction of a corresponding requirement in the State Implementation Plan.

- Q. **Fugitive Emissions** - emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.
- R. **Hazardous Air Pollutant (HAP)** - any air pollutant listed pursuant to Section 112(b) of the CAA.
- S. **Health and Safety Code (H&SC)** - California Health and Safety Code.
- T. **Initial Permit** - first Rule 201.1 operating permit for which a source submits an application addressing requirements of Title V of the CAA.
- U. **Major Source** - any stationary source having the potential to emit a regulated air pollutant or a HAP in quantities equal to or exceeding the lesser of any of the following thresholds:

Major Source Type:

- 1. 100 tons per year (tpy) of any regulated air pollutant;
 - 2. 50 tpy of volatile organic compounds or oxides of nitrogen (if district is classified as serious non-attainment for ozone);
 - 3. 10 tpy of one HAP or 25 tpy of two or more HAP's; or
 - 4. Any lesser quantity threshold promulgated by the U.S. EPA.
- V. **Minor Permit Modification** - any modification to a federally-enforceable condition on a permit to operate: 1) not constituting a significant permit modification, and 2) not constituting an administrative permit amendment.
 - W. **Permit Modification** - any addition, deletion, or revision to a permit to operate condition.
 - X. **Potential to Emit** - For purposes of this Rule, potential to emit as it applies to an emissions unit and a stationary source is defined as:
 - 1. Emissions Unit - Potential to emit for an emissions unit is the maximum capacity of the unit to emit a regulated air pollutant or HAP considering the unit's physical and operational design. Physical and operational limitations on the emissions unit shall be treated as part of its design, if the limitations are set forth in permit conditions which address applicable federal requirements. Physical and operational limitations shall include, but are not limited to the following: limits placed on emissions; and restrictions on operations such as hours of operation and type or amount of material combusted, stored, or processed.
 - 2. Stationary Source - Potential to emit for a stationary source is the sum of the potentials to emit from all emissions units at the stationary source. If two or more HAP's are emitted at a stationary source, the potential to emit for each of those HAP's shall be summed to determine Section III applicability. Fugitive emissions shall be considered in determining potential to emit for: 1) sources specified in 40 CFR Part 70.2 Major Sources Subsection(2)(i) through (xxvi), 2) sources of HAP emissions, and (3) any other stationary source category regulated under Section 111 or 112 of the CAA and for which the U.S. EPA has made an affirmative determination by rule under Section 302(j) of the CAA. Notwithstanding the above, any HAP emissions from any pipeline compressor station shall not be

aggregated with emissions of similar units for the purpose of determining a major source of HAP's, even if such units are located on contiguous or adjacent properties or under common control.

Y. **Preconstruction Permit** - permit authorizing construction and issued prior to construction including:

1. Any preconstruction permit issued pursuant to a program for the Prevention of Significant Deterioration of air quality required by Section 165 of the CAA; or
2. Any preconstruction permit issued pursuant to a New Source Review program required by Sections 172 and 173 of the CAA or Rule 210.1.

Z. **Regulated Air Pollutant** - any pollutant: 1) emitted into or otherwise entering the ambient air, and 2) having a U.S. EPA-adopted emission limit, standard, or other requirement. Regulated air pollutants include:

1. Oxides of nitrogen and volatile organic compounds;
2. Any pollutant having a National Ambient Air Quality Standard promulgated pursuant to Section 109 of the CAA;
3. Any pollutant subject to a New Source Performance Standard promulgated pursuant to Section 111 of the CAA;
4. Any ozone-depleting substance specified as a Class I (chlorofluorocarbons) or Class II (hydrochlorofluorocarbons) substance pursuant to Title VI of the CAA; and
5. Any pollutant subject to a standard or requirement promulgated pursuant to Section 112 of the CAA, including:
 - a. Any pollutant listed pursuant to Section 112(r) of the CAA (Prevention of Accidental Releases) upon promulgation of the list.
 - b. Any HAP subject to a standard or other requirement promulgated by the U.S. EPA pursuant to Section 112(d) or adopted by the District pursuant to Sections 112(g) and (j) of the CAA upon promulgation of the standard or requirement, or 18 months after the standard or requirement was scheduled to be promulgated pursuant to Section 112(e)(3) of the CAA.
 - c. Any HAP subject to a District case-by-case emissions limitation determination for a new or modified source, prior to U.S. EPA promulgation or scheduled promulgation of an emissions limitation when the determination is made pursuant to Section 112(g)(2) of the CAA. In case-by-case emissions limitation determinations, the HAP shall be considered a regulated air pollutant only for the individual source having had the emissions limitation determination.

AA. **Responsible Official** - Responsible official means one of the following:

1. For a corporation or federal research facility, a president, secretary, treasurer, or vice-president of the corporation or facility in charge of a principal business function, or any other person performing similar policy or decision-making functions for the corporation or facility, or a duly authorized representative of such person if the representative is responsible for overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

- a. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - b. The delegation of authority to such representative is approved in advance by the APCO;
2. For a partnership or sole proprietorship, a general partner or the proprietor, respectively;
 3. For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or
 4. For a federal military facility, the commanding officer;
 5. For an acid rain unit subject to Title IV (Acid Deposition Control) of the CAA, the responsible official is the designated representative of that unit for any purposes under Title IV and this Rule.

BB. Significant Permit Modification - any modification to a federally-enforceable condition on a permit to operate:

1. Involving any modification under Section 112(g) of Title I of the CAA or under U.S. EPA regulations promulgated pursuant to Title I of the CAA, including 40 CFR Parts 51, 52, 60, 61, and 63;
2. Significantly changing monitoring conditions;
3. Providing for relaxation of any reporting or recordkeeping conditions;
4. Involving a permit term or condition allowing a source to avoid an applicable federal requirement, including: 1) a federally-enforceable voluntary emissions cap established to avoid triggering a modification requirement of Title I of the CAA, or 2) an alternative HAP emission limit pursuant to Section 112(i)(5) of the CAA;
5. Involving a case-by-case determination of any emission standard or other requirement;
6. Involving a source-specific determination for ambient impacts, visibility analysis, or increment analysis for portable sources.
7. Involves permit streamlining in accordance with Subsection V.J., Page 201.1-27; or
8. Involves use of a District-only rule, in accordance with Subsection V.K.1., Page 201.1-28, in satisfaction of a requirement in the State Implementation Plan.

CC. Solid Waste Incinerator - any incinerator burning solid waste material from commercial, industrial, medical, general public sources (e.g., residences, hotels, or motels), or other categories of solid waste incinerators subject to a performance standard promulgated pursuant to Sections 111 or 129 of the CAA.

The following incinerators shall not be considered solid waste incinerators for purposes of this Rule:

1. Any hazardous waste incinerator required to obtain a permit pursuant to Section 3005 of the Solid Waste Disposal Act (42 U.S.C. Section 6925);

2. Any materials recovery facility primarily recovering metals;
3. Any qualifying small power production facility as defined in 16 U.S.C.A. Section 796(17)(C);
4. Any qualifying cogeneration facility burning homogenous waste for production of energy as defined in 16 U.S.C.A. Section 796(18)(B); or
5. Any air curtain incinerator burning only wood, yard, or clean lumber waste and complying with opacity limitations established by the Administrator of the U.S. EPA.

DD. Standard District Application - See Subsection IV.C., Page 201.1-13.

EE. Stationary Source - For purposes of this Rule, a stationary source is any building, structure, facility, or installation (or any such grouping):

1. Emitting, or having the potential to emit, or resulting in emissions of any regulated air pollutant or HAP; and
2. Located on one or more contiguous or adjacent properties;
3. Under the ownership, operation, or control of the same person (or persons under common control) or entity; and
4. Belonging to a single major industrial grouping; i.e., each building, structure, facility, or installation in the grouping has the same two-digit code under the system described in the 1987 Standard Industrial Classification Manual.

FF. United States Environmental Protection Agency (U.S. EPA) - The Administrator or appropriate delegate of the "United States Environmental Protection Agency."

GG. Voluntary Emissions Cap - An optional, federally-enforceable emissions limit on one or more emissions unit(s) established by a source to avoid an applicable federal requirement. Notwithstanding acceptance and recognition of a voluntary emissions cap, the source remains subject to all other applicable federal requirements.

III. Applicability

A. Sources Subject to Rule 201.1

Sources listed below are subject to requirements of this Rule and are required to apply for and obtain Title V Permits to Operate:

1. Major source except, when the U.S. EPA finalizes the underlying related requirements in 40 CFR Part 70, for a source classified as a major source solely because it has the potential to emit major amounts of a pollutant listed pursuant to Section 112(r)(3) of the CAA and is not otherwise a major source as defined in Subsection II.U., Page 201.1-6;
2. Source with an acid rain unit required by Title IV of the CAA to apply for an Acid Rain Permit;
3. Solid waste incinerator subject to a performance standard promulgated pursuant to Section 111 or 129 of the CAA;

4. Any other source in a source category designated, pursuant to 40 CFR Part 70.3, by rule of the U.S. EPA; and
5. Any source subject to a standard or other requirement promulgated pursuant to Section 111 (NSPS) or 112 (HAP's) of the CAA, published after July 21, 1992, designated, pursuant to 40 CFR Part 70.3 by the U.S. EPA at the time the new standard or requirement is promulgated.

Upon amendment of the California Health and Safety Code to allow the issuance of Title V permits to agricultural production sources, such sources shall be subject to evaluation for applicability to the requirements of Title V.

B. Sources Exempt from Rule 201.1

The sources listed below are not subject to requirements of Rule 201.1:

1. Any stationary source that would be required to obtain a permit solely because it is subject to 40 CFR Part 60, Subpart AAA (Standards of Performance for New Residential Wood Heaters);
2. Any stationary source that would be required to obtain a permit solely because it is subject to 40 CFR Part 61, Subpart M, Section 145 (National Emission Standards for Asbestos, Standard for Demolition and Renovation); and
3. Any other source in a source category deferred pursuant to 40 CFR Part 70.3, by U.S. EPA rulemaking, unless such source is otherwise subject to Title V (i.e., it is a major source).

IV. Administrative Procedures for Sources

A. Permit Requirement and Application Shield

A source shall operate in compliance with Permits to Operate issued pursuant to Rule 201.1. Rule 201.1 does not alter any applicable requirement that a source obtain preconstruction permits.

If an owner or operator submits, pursuant to Rule 201.1, a timely and complete application for permit, a source shall not be in violation of the requirement to have a Permit to Operate until the APCO takes final action on the application.

This application shield here will cease to insulate a source from enforcement action if an owner or operator of the source fails to submit any additional information requested by the APCO pursuant to Subsection IV.C.2., Page 201.1-18.

If an owner or operator submits a timely and complete application for an initial permit, the source shall operate in accordance with requirements of any valid Permit to Operate issued pursuant to Section 42301 of the H&SC until the APCO takes final action on the application. If an owner or operator submits a timely and complete application for renewal of a Permit to Operate, the source shall operate in accordance with the Permit to Operate issued pursuant to Rule 201.1, notwithstanding expiration of this permit, until the APCO takes final action on the application.

This application shield does not apply to sources applying for permit modifications. For permit modifications, a source shall operate in accordance with the Permit to Operate

issued pursuant to Rule 201.1 and any temporary Permit to Operate issued pursuant to Section 42301.1 of the H&SC.

B. Application Requirements

1. Initial Permit

- a. For a Type 1 major source (as defined in Subsection II.U.) subject to this Rule on the effective date of the Rule, an owner or operator shall submit a standard District application within 6 months after this date (by December 4, 1995).
- b. For a source that becomes subject to Rule 201.1 after the date the Rule becomes effective, a responsible official shall submit a standard District application within 12 months of the source commencing operation or of otherwise becoming subject to Rule 201.1.
- c. For a source becoming subject to this Rule after the effective date of the Rule, an owner or operator shall submit a standard District application within 6 months of the source commencing operation.
- d. For a source with an acid rain unit, an owner or operator shall submit a standard District application and acid rain permit application to the District. Such applications shall be submitted within the following timeframe:
 - 1) If the source is subject to Rule 201.1 because of Subsection III.A.1., Page 201.1-10, within the applicable timeframe specified in Subsection B.1.a. or B.1.b., above.
 - 2) If the source is subject to Rule 201.1 only because of Subsection III.A.2., Page 201.1-11, by January 1, 1996, or, if applicable, a later date established by 40 CFR Part 72.

2. Permit Renewal

For renewal of a Rule 201.1 permit, an owner or operator shall submit a standard District application no earlier than 18 months and no later than 6 months before expiration of the current Permit to Operate. Permits to Operate for all emissions units at a stationary source subject to this Rule shall undergo simultaneous renewal.

3. Significant Permit Modification

When applying for a Kern County APCD Rule 201 Authority to Construct or after obtaining any required U.S. EPA preconstruction permits to modify an existing stationary source, an owner or operator shall submit a standard District application for each emissions unit affected by a proposed permit revision constituting a significant permit modification. Upon request by the APCO, the owner or operator shall submit copies of the latest U.S. EPA preconstruction permit for each affected emissions unit. Any affected emissions unit(s) shall not commence operation until the APCO takes final action to approve the permit revision.

4. Minor Permit Modification

When applying for a Kern County APCD Rule 201 Authority to Construct or after obtaining any required U.S. EPA preconstruction permits to modify an existing stationary source, an owner or operator shall submit a standard District application for each emissions unit affected by the proposed permit revision constituting a minor permit modification. Any affected emissions unit(s) shall not commence operation until the APCO takes final action to approve the permit revision. The

application, in addition to information required by the District's standard application form, shall include the following:

- a. A description of the proposed permit revision, any change in emissions, and additional applicable federal requirements;
- b. Proposed permit terms and conditions; and
- c. Certification by a responsible official the permit revision meets criteria for use of minor permit modification procedures and a request such procedures be used.

5. Acid Rain Unit Permit Modification

A permit modification of the acid rain portion of an operating permit shall be governed by regulations promulgated pursuant to Title IV of the CAA.

C. Application Content and Correctness

1. Standard District Application

An application submitted by the responsible official shall include:

- a. Information identifying the stationary source;
- b. Description of processes and products (by Standard Industrial Classification Code), including any associated with proposed alternative operating scenarios (see Subsection V.I.1., Page 201.1-26);
- c. Identification of fees required by Rules 301, and 301.3;
- d. Listing of all existing emissions units at the stationary source and identification and description of all points of emissions from emissions units in sufficient detail to establish applicable federal requirements and basis for any fees pursuant to Section VII, Page 201.1-38;
- e. Citation and description of all applicable federal requirements, information and calculations used to determine applicability of such requirements and other information necessary to implement and enforce such requirements;
- f. Calculation of all emissions, including fugitive emissions, in tons per year and in terms necessary to establish compliance with all applicable District, state, or federal requirements for:
 - 1) All regulated air pollutants emitted from the source,
 - 2) Any HAP the source has the potential to emit in quantities equal to or in excess of 10 tons per year, and
 - 3) If the source has the potential to emit two or more HAP's in quantities equal to or in excess of 25 tons per year, all HAP's emitted by the source;
- g. Identification of fuels, fuel use, raw materials, production rates, operating schedules, limitations on source operation or workplace practices if these affect source emissions;
- h. Identification and description of air pollution control equipment and compliance monitoring devices or activities;
- i. Any other information required by an applicable federal requirement (or a District-only rule in accordance with Subsection V.K.1., page 201.1-28);
- j. Information needed to define permit terms or conditions implementing a source's options for operational flexibility, including alternative operating scenarios pursuant to Subsection V.I.1., Page 201.1-26;

k. Compliance plan and compliance schedule, including:

- 1) Description of the compliance status of each emissions unit within the stationary source with respect to applicable federal requirements, except as provided below:
 - a) For all applicable federal requirements which are to be satisfied by compliance with requirements of a permit streamlining proposal made in accordance with Subsection IV.C.1.s., Page 201.1-16, the responsible official may certify compliance with only requirements of the permit streamlining proposal if data on which to base such a certification is submitted or referenced with the application. Such application shall include an attachment demonstrating compliance with requirements of the permit streamlining proposal ensures compliance with the identified applicable federal requirements.
 - b) In order to certify compliance with a corresponding requirement in the State Implementation Plan, the responsible official may certify compliance with a District-only rule, if data on which to base such a certification is submitted or referenced with the application, and if use of the District-only rule is proposed and approved in accordance with Subsection IV.C.1.t., Page 201.1-18.
- 2) A statement the source will continue to comply with such applicable federal requirements with which the source is in compliance,
- 3) A statement the source will comply, on a timely basis, with applicable federal requirements which will become effective during the permit term, and
- 4) A description of how the source will achieve compliance with requirements for which the source is not in compliance. However, if the source complies with a District-only rule addressed in a proposal submitted in accordance with Subsection IV.C.1.t., Page 201.1-18, no description is needed to address the corresponding State Implementation Plan requirement unless otherwise required by the District;

l. A schedule of compliance which resembles and is at least as stringent as that contained in any judicial consent decree, administrative order, or schedule approved by the District hearing board if required by state law, identifying remedial measures with specific increments of progress, a final compliance date, testing and monitoring methods, recordkeeping requirements, and a schedule for submission of certified progress reports to the U.S. EPA and the APCO at least every 6 months for a source that is not in compliance at the time of permit issuance or renewal, and modification (if the non-compliance is with units being modified) and is:

- 1) A streamlined emission limit proposed in accordance with Subsection IV.C.1.s., Page 201.1-16, or
- 2) A District-only rule proposed in accordance with Subsection IV.C.1.t., Page 201.1-18, or
- 3) An applicable federal requirement not to be subsumed by a proposal submitted in accordance with Subsection IV.C.1.s. or IV.C.1.t.;

- m. A certification by a responsible official of all reports and other documents submitted for permit application, compliance progress reports at least every 6 months, statements on compliance status with any applicable enhanced monitoring, and compliance plans at least annually which shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete;
- n. For a source with an acid rain unit, an application shall include elements required by 40 CFR Part 72;
- o. For a source of HAP's required to prepare a risk management plan pursuant to Section 112(r) of the CAA, the application shall include verification such a plan has been submitted to the authorized implementing agency, or shall include a compliance schedule for submittal of such a plan; and
- p. For proposed portable sources, an application shall identify all locations of potential operation and how such sources will comply with all applicable District, state, and federal requirements at each location;
- q. In lieu of providing the information specified in Subsection IV.C.1.e., Page 201.1-14, an owner or operator may, upon written concurrence from the APCO, stipulate the source is a major source and/or identified applicable federal requirements apply to the source. A stipulation does not preclude the APCO from requiring submittal of subsequent additional information in accordance with this Rule;
- r. An owner or operator may, upon written concurrence from the APCO, reference documents that contain information required in Subsections IV.C.1.a. through j. and o., Page 201.1-13, provided documents are specifically and clearly identified, and are readily available to the District and to the public. Each reference shall include, at a minimum, title or document number, author and recipient if applicable, date, identification of relevant sections of the document, and identification of specific application content requirements and source activities or equipment for which the referencing applies. A reference does not preclude the APCO from requiring submittal of information to supplement or verify the referencing or the submittal of other additional information in accordance with this Rule;
- s. The application may contain a proposal for permit streamlining of two or more sets of applicable federal requirements and/or District-only requirements, to be reviewed by the District in accordance with Subsection V.J., Page 201.1-27. The application shall clearly note any proposal for permit streamlining. The permit streamlining proposal shall include the most stringent of multiple applicable emission limitations for each regulated air pollutant in order to ensure compliance with all applicable requirements for each emission unit or group of emission units. For purposes of this paragraph, an alternative or hybrid emission limit at least as stringent as any applicable emission limitation or a District-only requirement which meets the criteria set forth in Subsection V.K., Page 201.1-28, may be submitted, provided the limits ensure compliance with all applicable requirements for each emission unit or group of emission units. All applicable federal requirements and permit conditions pertaining to or resulting from Title IV (acid rain) of the CAA and its implementing regulations shall remain unaltered. The application shall contain the following information for each streamlining proposal and associated emission unit:
 - 1) A side-by-side comparison of all District-only and applicable federal requirements that are currently applicable and effective. Requirements for emissions and/or work practice standards shall be distinguished from provisions for monitoring and compliance demonstration;

- 2) A determination of the most stringent emissions and/or performance standard (or any hybrid or alternative limits as appropriate) and the documentation relied upon to make this determination;
 - 3) A proposal for one set of permit terms and conditions to include the most stringent emissions limitations and/or standards (including pertinent work practice standards), appropriate monitoring and its associated recordkeeping and reporting requirements, and such other conditions as are necessary to ensure compliance with all applicable federal requirements affected by the proposal. The most stringent emission limits shall be determined in accordance with criteria in Subsection II.A.2.(a). of "White Paper Number 2 for Improved Implementation of The Part 70 Operating Permits Program", U.S. EPA Office of Air Quality Planning and Standards, dated March 5, 1996. Streamlining of work practice standards shall be consistent with guidance in Subsection II.A.2.(b) of "White Paper Number 2 for Improved Implementation of The Part 70 Operating Permits Program", U.S. EPA Office of Air Quality Planning and Standards, dated March 5, 1996. Streamlining of monitoring, recordkeeping, and reporting requirements shall be consistent with guidance in Subsection II.A.2.(e) of "White Paper Number 2 for Improved Implementation of The Part 70 Operating Permits Program", U.S. EPA Office of Air Quality Planning and Standards, dated March 5, 1996;
 - 4) If there is pertinent source compliance data, a certification the source complies with the streamlined emission limits and compliance with the streamlined emission limits ensures compliance, in accordance with Subsection IV.C.1.k., Page 201.1-14, with all applicable federal requirements affected by the proposal;
 - 5) A compliance schedule to implement any new monitoring/compliance approach relevant to the streamlined limit if the emission unit is unable to comply with the streamlined limit at the time of permit issuance. Recordkeeping, monitoring, and reporting requirements of applicable federal requirements being subsumed shall continue to apply (as would the requirement for the emission unit to operate in compliance with each of its emission limits) until the new streamlined compliance approach becomes operative;
 - 6) A proposal for a permit shield in accordance with Subsection IV.C.1.u., Page 201.1-18, for applicable federal requirements and District-only requirements associated with the streamlining proposal;
 - 7) If the proposal includes use of any District-only requirement(s) as a requirement of permit streamlining, an authorization for the APCO to identify such District-only requirement(s), and any streamlined monitoring, recordkeeping, or reporting requirement derived from it, in the permit as a federally-enforceable condition in accordance with H&SC Section 42301.12(a)(3); and
 - 8) Other pertinent information as specified by the APCO, including supplementary information pertaining to paragraphs 1) through 6) of this Subsection.
- t. If the application contains a proposal to address a District-only rule that has been submitted to the U.S. EPA for State Implementation Plan approval, in lieu of a corresponding requirement in the State Implementation Plan, the application shall include the following additional information:
- 1) An indication this approach is being proposed, a list or cross-reference of all requirements from pertinent District-only rules eligible for this